



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ryuichi KOJIMA et al.

Group Art Unit: 2861

Application No.: 10/715,499

Examiner: L. NGUYEN

Filed: November 19, 2003

Docket No.: 117804

For: DROPLET EJECTING HEAD AND DROPLET EJECTING APPARATUS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 2, 2005 Election of Species Requirement, Applicants provisionally elect Species 1, Figure 11, with traverse. At least claims 1-7, 9-13 and 15-20 read on the elected species. At least claims 2 and 10 are believed to be generic within the claims of the above elected Species 1.

The Election of Species Requirement, at page 2, asserts that no claims are generic. Applicants respectfully disagree. Claim 2 recites that the ejectors are arranged such that, when the ejectors are viewed in order in the main scanning-orthogonal direction, which is orthogonal to the main scanning direction, positions of the ejectors in the main scanning direction in an offsetting manner. Claim 10 also substantially recites this feature. Claims 1, 3-7, 9, 11-13 and 15-20 are all based on the above-noted features of claims 2 and 10. Therefore, claims 2 and 10 are thus generic.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a

search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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